

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRI-VALLEY CARES et al.,

No. C 03-3926 SBA

Plaintiffs,

ORDER

v.

DEPARTMENT OF ENERGY et al.

Defendants.

On October 16, 2006, the Ninth Circuit Court of Appeals issued a memorandum disposition, affirming in part and reversing in part this Court's grant of summary judgment in this case. Accordingly,

IT IS HEREBY ORDERED that the case is REMANDED to the Department of Energy for further proceedings consistent with the Ninth Circuit's decision. Specifically, the DOE shall consider whether the threat of terrorist activity necessitates the preparation of an Environmental Impact Statement. *See San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission*, 449 F.3d 1016 (9th Cir. 2006).

IT IS SO ORDERED.

Dated: 10/30/06


SAUNDRA BROWN ARMSTRONG
United States District Judge